

### **Remarks/Arguments**

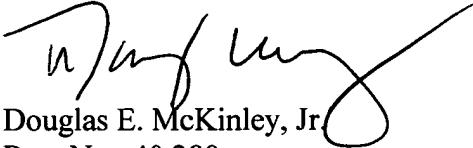
Claims 1 - 11 remain in this application. Claims 1 and 8, and all remaining claims by virtue of dependency, have been amended to recite that after measuring the intensities of the mass spectrum of said first sample; undesired ions within said first sample are identified from that measurement for ejection. The applicant has thus explicitly tied the qualitative information learned from measuring the first sample to the remaining steps, which are unchanged. These include introducing a second sample of ions into the mass spectrometer and applying the appropriate rf voltages to the quadrupole ion filter to eject the undesired ions. No new matter is added by this amendment.

In response to the examiner's final rejection of July 11, 2003, the undersigned telephoned the examiner to discuss the pending claims. The undersigned explained to the examiner that the present invention differed from the prior art cited by the examiner because the present invention utilized qualitative information learned from measuring the first sample to determine the types of ions to be ejected in subsequent sample(s). Both the undersigned and the examiner agreed that to the extent that the prior art of record taught the ejection of unwanted ions, it did so in a manner that made no qualitative distinction about the ions based on measurements from the instrument. The examiner and the undersigned thus agreed that the present invention was readily distinguished from the prior art of record, however, the examiner did not agree that the claims as previously written were sufficiently explicit on this point. The undersigned then suggested the changes set forth in this preliminary amendment. The examiner agreed that these changes would distinguish the claims from the prior art of record, however, the examiner suggested that these changes would necessitate a new search. The applicant has therefore filed a Request for Continued Examination concurrently herewith, to allow the examiner to perform a new search.

Applicant has made an earnest attempt to place the above referenced application in condition for allowance and action toward that end is respectfully requested. If the not

allowed, the applicant respectfully requests that the amendments to the claims nevertheless be entered into the record. Should the Examiner have any further observations or comments, she is invited to contact the undersigned for resolution.

Respectfully submitted,

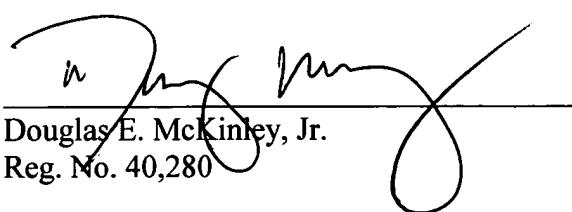
  
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The undersigned hereby certifies that the forgoing Preliminary Amendment dated September 17, 2003 together with PTO form PTO/SB/30 and a return postcard are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on the date set forth below.

  
Douglas E. McKinley, Jr.  
Reg. No. 40,280

September 17, 2003  
Date